

EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

FUSION ELITE ALL STARS et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC et al.,

Defendants.

Civ. Action No. 2:20-cv-2600

**DECLARATION OF STEVEN J. KAISER IN SUPPORT OF DEFENDANTS' MOTION
TO STRIKE**

I, Steven J. Kaiser, declare as follows:

1. A true and correct copy of Plaintiffs Fusion Elite All Stars, Stars and Stripes Gymnastics Academy, Inc. d/b/a Stars and Stripes Kids Activity Center, and Spirit Factor LLC d/b/a Fuel Athletics' responses to Defendants' Request for Production No. 66 and Request for Production No. 67 is attached as Exhibit A.

2. A true and correct copy of Plaintiffs Kathryn Anne Radek, Lauren Hayes, and Janine Cherasaro's responses to Defendants' Request for Production No. 66 and Request for Production No. 67 is attached as Exhibit B.

3. I declare under penalty of perjury that the foregoing is true and correct. Executed on December 1, 2020.



Steven J. Kaiser

EXHIBIT A

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF
TENNESSEE**

FUSION ELITE ALL STARS, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

**Civ. Action No. 2:20-cv-02600-
SHL-cgc**

Jury Trial Demanded

**PLAINTIFFS FUSION ELITE ALL STARS, STARS AND STRIPES GYMNASTICS
ACADEMY, INC. D/B/A STARS AND STRIPES KIDS ACTIVITY CENTER, AND
SPIRIT FACTOR LLC D/B/A FUEL ATHLETICS' RESPONSES AND OBJECTIONS
TO DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION**

PRELIMINARY STATEMENT

Plaintiffs Fusion Elite All Stars, Spirit Factor LLC d/b/a Fuel Athletics, and Stars and Stripes Gymnastics Academy, Inc., d/b/a Stars and Stripes Kids Activity Center (“Plaintiffs”) hereby provide these Responses and Objections to Defendants’ First Set of Requests for Production to Fusion Elite All Stars, Spirit Factor LLC d/b/a Fuel Athletics, and Stars and Stripes Gymnastics Academy, Inc., d/b/a Stars and Stripes Kids Activity Center. All responses contained herein are based only upon such information and documents presently available and specifically known to Plaintiffs. Further independent discovery, independent investigation, legal research and analysis may supply additional facts and/or add meaning to the known facts. The objections set forth below are given without prejudice to Plaintiffs’ right at trial to produce evidence of any subsequently discovered fact or facts that may later develop.

Response: Plaintiffs object to this Request because it is vague, ambiguous, overly broad, unduly burdensome, not proportional to the needs of the case (considering the Fed. R. Civ. P. 26(b)(1) factors), and not relevant to the claims or defenses in this litigation. Plaintiffs also object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production. Plaintiffs object to this Request to extent it seeks information that is private, privileged and/or subject to statutory protections and/or privacy laws.

REQUEST FOR PRODUCTION NO. 65:

All results of background checks for any employees where the background check indicated any prior incidence of violent conduct and/or sexual misconduct.

Response: Plaintiffs object to this Request because it is vague, ambiguous, overly broad, unduly burdensome, not proportional to the needs of the case (considering the Fed. R. Civ. P. 26(b)(1) factors), and not relevant to the claims or defenses in this litigation. Plaintiffs also object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production. Plaintiffs object to this Request to extent it seeks information that is private, privileged and/or subject to statutory protections and/or privacy laws.

REQUEST FOR PRODUCTION NO. 66:

All reports regarding sexual misconduct or physical or mental abuse made to USASF or to any other organization, including law enforcement, regarding any of your employees.

Response: Plaintiffs object to this Request because it is vague, ambiguous, overly broad, unduly burdensome, not proportional to the needs of the case (considering the Fed. R. Civ. P. 26(b)(1) factors), and not relevant to the claims or defenses in this litigation. Plaintiffs also

object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production. Plaintiffs object to this Request to extent it seeks information that is private, privileged and/or subject to statutory protections and/or privacy laws.

REQUEST FOR PRODUCTION NO. 67:

Documents sufficient to show the actions you took in response to information reported on any background check for any employee.

Response: Plaintiffs object to this Request because it is vague, ambiguous, overly broad, unduly burdensome, not proportional to the needs of the case (considering the Fed. R. Civ. P. 26(b)(1) factors), and not relevant to the claims or defenses in this litigation. Plaintiffs also object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production. Plaintiffs object to this Request to extent it seeks information that is private, privileged and/or subject to statutory protections and/or privacy laws.

REQUEST FOR PRODUCTION NO. 68:

All documents concerning the “recent article in USA Today” alleged in paragraph 238 in your Complaint, including what, if any, actions you took in response to the referenced article.

Response: Plaintiffs object to this Request because it is vague, ambiguous, overly broad, unduly burdensome, not proportional to the needs of the case (considering the Fed. R. Civ. P. 26(b)(1) factors), and not relevant to the claims or defenses in this litigation. Plaintiffs also object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production.

Varsity, or USASF.

Response: Plaintiffs object to this Request because it is vague, ambiguous, overly broad, unduly burdensome, not proportional to the needs of the case (considering the Fed. R. Civ. P. 26(b)(1) factors), and not relevant to the claims or defenses in this litigation. Plaintiffs also object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production.

Respectfully submitted,

Dated: November 16, 2020

By: /s/ Victoria Sims
Jonathan W. Cuneo*
Katherine Van Dyck*
Victoria Sims*
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Avenue NW, Suite 200
Washington, DC 20016
Telephone: (202) 789-3960
jonc@cuneolaw.com
kvandyc@cuneolaw.com
vicky@cuneolaw.com

H. Laddie Montague, Jr.*
Eric L. Cramer*
Mark R. Suter*
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19106
Telephone: (215) 875-3000
hlmontague@bm.net
ecramer@bm.net
msuter@bm.net

Gregory S. Asciolla*
Karin E. Garvey*
Veronica Bosco*
Ethan H. Kaminsky*
LABATON SUCHAROW LLP
140 Broadway
New York, NY 10005
Telephone: (212) 907-0700
gasciolla@labaton.com

kgarvey@labaton.com
vbosco@labaton.com
ekaminsky@labaton.com

*Interim Co-Lead Counsel for Plaintiffs and the
Proposed Direct Purchaser Class*

J. Gerard Stranch, IV (TN BPR #23045)
Benjamin A. Gastel (TN BPR #28699)
**BRANSTETTER, STRANCH &
JENNINGS, PLLC**
223 Rosa Parks Ave. Suite 200
Nashville, TN 37203
Telephone: (615) 254-8801
gerards@bsjfirm.com
beng@bsjfirm.com

*Liaison Counsel for Plaintiffs and the Proposed
Direct Purchaser Class*

Benjamin D. Elga**
JUSTICE CATALYST LAW, INC.
81 Prospect Street
Brooklyn, NY 11201
Telephone: (518) 732-6703
belga@justicecatalyst.org

Brian Shearer**
Craig L. Briskin**
JUSTICE CATALYST LAW, INC.
718 7th Street NW
Washington, DC 20001
Telephone: (518) 732-6703
brianshearer@justicecatalyst.org
cbriskin@justicecatalyst.org

Roberta D. Liebenberg**
Jeffrey S. Istvan**
Mary L. Russell*
FINE KAPLAN AND BLACK, R.P.C.
One South Broad St., 23rd Floor
Philadelphia, PA 19107
Telephone: (215) 567-6565
rliebenberg@finekaplan.com
jistvan@finekaplan.com

mrussell@finekaplan.com

Nathan A. Bicks (TN BPR #10903)
Frank B. Thacher III (TN BPR #23925)
BURCH, PORTER, & JOHNSON, PLLC
130 North Court Ave.
Memphis, TN 38103
Telephone: (901) 524-5000
nbicks@bpjlaw.com
fthacher@bpjlaw.com

Aubrey B. Harwell, Jr. (TN BPR #002559)
Charles Barrett (TN BPR #020627)
Aubrey B. Harwell III (TN BPR #017394)
NEAL & HARWELL, PLC
1201 Demonbreun St., Suite 1000
Nashville, TN 37203
Telephone: (615) 244-1713
aharwell@nealharwell.com
cbarrett@nealharwell.com
tharwell@nealharwell.com

* Admitted *pro hac vice*

** *Pro hac vice* application forthcoming

*Attorneys for Plaintiffs and the Proposed Direct
Purchaser Class*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November, 2020, I served a copy of the foregoing Plaintiffs' Responses and Objections to Defendants' First Requests for Production via electronic mail upon the below Counsel:

Adam S. Baldridge
Matthew Sinon Mulqueen
**BAKER DONELSON BEARMANN
CALDWELL & BERKOWITZ**
165 Madison Ave
Ste 2000
Memphis, TN 38103
Tel: 901-526-2000
Tel: 901-577-8234
abaldridge@bakerdonelson.com
mmulqueen@bakerdonelson.com

George Cary
Mark W. Nelson
Alexis Collins
Mark W. Nelson
**CLEARY GOTTFLEB STEEN &
HAMILTON LLP**
2112 Pennsylvania Avenue NW
Ste 1000
Washington, DC 20037
Tel: 202-974-1554
Tel: 202-974-1519
Tel: 202-974-1920
Tel: 202-974-1500

gcary@cgsh.com
mnelson@cgsh.com
alcollins@cgsh.com
skaiser@cgsh.com

*Attorneys for Defendants Varsity Brands,
LLC, Varsity Spirit Fashions & Supplies, Inc.,
and Varsity Spirit, LLC*

Grady M. Garrison
Nicole D. Berkowitz
**BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ, P.C.**
165 Madison Ave.
Ste. 2000
Memphis, TN 38103
Tel: 901-526-2000
Tel: 901-577-8166
Fax: 901-577-2303
ggarrison@bakerdonelson.com
nberkowitz@bakerdonelson.com

*Attorneys for Defendant U.S. All Star
Federation, Inc.*

/s/ Victoria Sims
Victoria Sims

EXHIBIT B

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF
TENNESSEE**

FUSION ELITE ALL STARS, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

**Civ. Action No. 2:20-cv-02600-
SHL-cgc**

Jury Trial Demanded

**PLAINTIFFS KATHRYN ANNE RADEK’S, LAUREN HAYES’, AND JANINE
CHERASARO’S RESPONSES AND OBJECTIONS TO DEFENDANTS’ FIRST SET
OF REQUESTS FOR PRODUCTION**

PRELIMINARY STATEMENT

Plaintiffs Kathryn Anne Radek, Lauren Hayes, and Janine Cherasaro (“Plaintiffs”) hereby provide these Responses and Objections to Defendants’ First Set of Requests for Production to Kathryn Anne Radek, Lauren Hayes, and Janine Cherasaro. All responses contained herein are based only upon such information and documents presently available and specifically known to Plaintiffs. Further independent discovery, independent investigation, legal research and analysis may supply additional facts and/or add meaning to the known facts. The objections set forth below are given without prejudice to Plaintiffs’ right at trial to produce evidence of any subsequently discovered fact or facts that may later develop.

GENERAL OBJECTIONS

Plaintiffs object generally to the Requests on the following grounds, each of which is incorporated by reference in the responses to the individual Responses and Objections below

object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production. Plaintiffs object to this Request to extent it seeks information that is private, privileged and/or subject to statutory protections and/or privacy laws.

REQUEST FOR PRODUCTION NO. 65:

All results of background checks for any employees where the background check indicated any prior incidence of violent conduct and/or sexual misconduct.

Response: Plaintiffs object to this Request because it is vague, ambiguous, overly broad, unduly burdensome, not proportional to the needs of the case (considering the Fed. R. Civ. P. 26(b)(1) factors), and not relevant to the claims or defenses in this litigation. Plaintiffs also object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production. Plaintiffs object to this Request to extent it seeks information that is private, privileged and/or subject to statutory protections and/or privacy laws.

REQUEST FOR PRODUCTION NO. 66:

All reports regarding sexual misconduct or physical or mental abuse made to USASF or to any other organization, including law enforcement, regarding any of your employees.

Response: Plaintiffs object to this Request because it is vague, ambiguous, overly broad, unduly burdensome, not proportional to the needs of the case (considering the Fed. R. Civ. P. 26(b)(1) factors), and not relevant to the claims or defenses in this litigation. Plaintiffs also object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production. Plaintiffs object to this Request to extent it seeks information that is private, privileged and/or subject to

statutory protections and/or privacy laws.

REQUEST FOR PRODUCTION NO. 67:

Documents sufficient to show the actions you took in response to information reported on any background check for any employee.

Response: Plaintiffs object to this Request because it is vague, ambiguous, overly broad, unduly burdensome, not proportional to the needs of the case (considering the Fed. R. Civ. P. 26(b)(1) factors), and not relevant to the claims or defenses in this litigation. Plaintiffs also object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production. Plaintiffs object to this Request to extent it seeks information that is private, privileged and/or subject to statutory protections and/or privacy laws.

REQUEST FOR PRODUCTION NO. 68:

All documents concerning the “recent article in USA Today” alleged in paragraph 238 in your Complaint, including what, if any, actions you took in response to the referenced article.

Response: Plaintiffs object to this Request because it is vague, ambiguous, overly broad, unduly burdensome, not proportional to the needs of the case (considering the Fed. R. Civ. P. 26(b)(1) factors), and not relevant to the claims or defenses in this litigation. Plaintiffs also object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production.

REQUEST FOR PRODUCTION NO. 69:

All documents relating to the allegations in paragraphs 239, 240 and 241 of your Complaint.

Response: Plaintiffs object to this Request because it is vague, ambiguous, overly broad,

object to this Request to the extent it seeks privileged information, attorney work product, attorney-client communications, or information otherwise protected from production.

Respectfully submitted,

Dated: November 16, 2020

By: /s/ Victoria Sims
Jonathan W. Cuneo*
Katherine Van Dyck*
Victoria Sims*
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Avenue NW, Suite 200
Washington, DC 20016
Telephone: (202) 789-3960
jonc@cuneolaw.com
kvandyc@cuneolaw.com
vicky@cuneolaw.com

H. Laddie Montague, Jr.*
Eric L. Cramer*
Mark R. Suter*
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19106
Telephone: (215) 875-3000
hlmontague@bm.net
ecramer@bm.net
msuter@bm.net

Gregory S. Asciolla*
Karin E. Garvey*
Veronica Bosco*
Ethan H. Kaminsky*
LABATON SUCHAROW LLP
140 Broadway
New York, NY 10005
Telephone: (212) 907-0700
gasciolla@labaton.com
kgarvey@labaton.com
vbosco@labaton.com
ekaminsky@labaton.com

*Interim Co-Lead Counsel for Plaintiffs and the
Proposed Direct Purchaser Class*

J. Gerard Stranch, IV (TN BPR #23045)
Benjamin A. Gastel (TN BPR #28699)
**BRANSTETTER, STRANCH &
JENNINGS, PLLC**
223 Rosa Parks Ave. Suite 200
Nashville, TN 37203
Telephone: (615) 254-8801
gerards@bsjfirm.com
beng@bsjfirm.com

*Liaison Counsel for Plaintiffs and the Proposed
Direct Purchaser Class*

Benjamin D. Elga**
JUSTICE CATALYST LAW, INC.
81 Prospect Street
Brooklyn, NY 11201
Telephone: (518) 732-6703
belga@justicecatalyst.org

Brian Shearer**
Craig L. Briskin**
JUSTICE CATALYST LAW, INC.
718 7th Street NW
Washington, DC 20001
Telephone: (518) 732-6703
brianshearer@justicecatalyst.org
cbriskin@justicecatalyst.org

Roberta D. Liebenberg**
Jeffrey S. Istvan**
Mary L. Russell*
FINE KAPLAN AND BLACK, R.P.C.
One South Broad St., 23rd Floor
Philadelphia, PA 19107
Telephone: (215) 567-6565
rliebenberg@finekaplan.com
jistan@finekaplan.com
mrussell@finekaplan.com

Nathan A. Bicks (TN BPR #10903)
Frank B. Thacher III (TN BPR #23925)
BURCH, PORTER, & JOHNSON, PLLC
130 North Court Ave.
Memphis, TN 38103
Telephone: (901) 524-5000

nbicks@bpjlaw.com
fthacher@bpjlaw.com

Aubrey B. Harwell, Jr. (TN BPR #002559)
Charles Barrett (TN BPR #020627)
Aubrey B. Harwell III (TN BPR #017394)
NEAL & HARWELL, PLC
1201 Demonbreun St., Suite 1000
Nashville, TN 37203
Telephone: (615) 244-1713
aharwell@nealharwell.com
cbarrett@nealharwell.com
tharwell@nealharwell.com

* Admitted *pro hac vice*

** *Pro hac vice* application forthcoming

*Attorneys for Plaintiffs and the Proposed Direct
Purchaser Class*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November, 2020, I served a copy of the foregoing Plaintiffs' Responses and Objections to Defendants' First Requests for Production via electronic mail upon the below Counsel:

Adam S. Baldridge
Matthew Sinon Mulqueen
**BAKER DONELSON BEARMANN
CALDWELL & BERKOWITZ**
165 Madison Ave
Ste 2000
Memphis, TN 38103
Tel: 901-526-2000
Tel: 901-577-8234
abaldridge@bakerdonelson.com
mmulqueen@bakerdonelson.com

George Cary
Mark W. Nelson
Alexis Collins
Mark W. Nelson
**CLEARY GOTTFLEB STEEN &
HAMILTON LLP**
2112 Pennsylvania Avenue NW
Ste 1000
Washington, DC 20037
Tel: 202-974-1554
Tel: 202-974-1519
Tel: 202-974-1920
Tel: 202-974-1500

gcary@cgsh.com
mnelson@cgsh.com
alcollins@cgsh.com
skaiser@cgsh.com

*Attorneys for Defendants Varsity Brands,
LLC, Varsity Spirit Fashions & Supplies, Inc.,
and Varsity Spirit, LLC*

Grady M. Garrison
Nicole D. Berkowitz
**BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ, P.C.**
165 Madison Ave.
Ste. 2000
Memphis, TN 38103
Tel: 901-526-2000
Tel: 901-577-8166
Fax: 901-577-2303
ggarrison@bakerdonelson.com
nberkowitz@bakerdonelson.com

*Attorneys for Defendant U.S. All Star
Federation, Inc.*

/s/ Victoria Sims
Victoria Sims